



House of Representatives

General Assembly

File No. 246

February Session, 2016

House Bill No. 5505

House of Representatives, March 29, 2016

The Committee on Labor and Public Employees reported through REP. TERCYAK of the 26th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

**AN ACT CONCERNING LOCAL OR REGIONAL BOARDS OF
EDUCATION, EXCLUSIVE BARGAINING REPRESENTATIVES AND
MEMBERS OF THE TEACHING PROFESSION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-153a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) Members of the teaching profession shall have and shall be
4 protected in the exercise of the right to form, join or assist, or refuse to
5 form, join or assist, any organization qualified as a tax-exempt
6 organization under Section 501(c)(5) of the Internal Revenue Code of
7 1986, or any subsequent corresponding internal revenue code of the
8 United States, as amended from time to time, for professional or
9 economic improvement and to negotiate in good faith through
10 representatives of their own choosing with respect to salaries, hours
11 and other conditions of employment free from interference, restraint,
12 coercion or discriminatory practices by any employing board of
13 education or administrative agents or representatives thereof in

14 derogation of the rights guaranteed by this section and sections 10-
15 153b to 10-153n, inclusive, as amended by this act.

16 (b) The organization designated as the exclusive representative of a
17 teachers' or administrators' unit shall have a duty of fair representation
18 to the members of such unit on all contract provisions, except, for any
19 agreement entered into after October 1, 2016, such organization shall
20 not be required to represent any employee in such unit who is not a
21 member of such organization for the purposes of grievance
22 proceedings.

23 (c) Nothing in this section or in any other section of the general
24 statutes shall preclude a local or regional board of education from
25 making an agreement with an exclusive bargaining representative to
26 require as a condition of employment that all employees in a
27 bargaining unit pay to the exclusive bargaining representative of such
28 employees an annual service fee, not greater than the amount of dues
29 uniformly required of members of the exclusive bargaining
30 representative organization, [which] that represents the costs of
31 collective bargaining [,] and contract administration; [and grievance
32 adjustment;] and that such service fee be collected by means of a
33 payroll deduction from each employee in the bargaining unit.

34 (d) Nothing in this section or in any other section of the general
35 statutes shall preclude a local or regional board of education from
36 making an agreement with an exclusive bargaining representative to
37 require such local or regional board of education to pay to such
38 exclusive bargaining representative an annual service fee that
39 represents the costs incurred by such exclusive bargaining
40 representative for providing services to employees in a bargaining unit
41 that may include, but need not be limited to, services directly related to
42 collective bargaining for salaries, hours and other conditions of
43 employment, contract administration, professional development
44 services, including, but not limited to, those services described in
45 sections 10-220a and 10-145o, and such other services as agreed to by
46 such local or regional board of education and the exclusive bargaining

47 representative. Such service fee shall be calculated on a per bargaining
48 unit employee basis and shall be paid directly to the exclusive
49 bargaining representative.

50 Sec. 2. Subsection (a) of section 10-153b of the general statutes is
51 repealed and the following is substituted in lieu thereof (*Effective*
52 *October 1, 2016*):

53 (a) Whenever used in this section or in sections 10-153c to 10-153n,
54 inclusive: (1) The "administrators' unit" means the professional
55 employee or employees in a school district or charter school not
56 excluded from the purview of sections 10-153a to 10-153n, inclusive, as
57 amended by this act, employed in positions requiring an intermediate
58 administrator or supervisor certificate, or the equivalent thereof, or
59 charter school educator permit, issued by the State Board of Education
60 under the provisions of section 10-145q, and whose administrative or
61 supervisory duties, for purposes of determining membership in the
62 administrators' unit, shall equal at least fifty per cent of the assigned
63 time of such employee. Certified professional employees covered by
64 the terms and conditions of a contract in effect prior to October 1, 1983,
65 shall continue to be covered by such contract or any successor contract
66 until such time as the employee is covered by the terms and conditions
67 of a contract negotiated by the exclusive bargaining unit of which the
68 employee is a member for purposes of collective bargaining pursuant
69 to the provisions of this section. (2) The "teachers' unit" means (A) the
70 group of professional employees who hold a certificate or durational
71 shortage area permit issued by the State Board of Education under the
72 provisions of sections 10-144o to 10-149, inclusive, and are employed
73 by a local or regional board of education in positions requiring such a
74 certificate or durational shortage area permit and are not included in
75 the administrators' unit or excluded from the purview of sections 10-
76 153a to 10-153n, inclusive, as amended by this act, and (B) the group of
77 professional employees who hold a certificate, durational shortage
78 area permit issued by the State Board of Education under the
79 provisions of sections 10-144o to 10-149, inclusive, or a charter school
80 educator permit issued by the State Board of Education under the

81 provisions of section 10-145q, and are employed by a charter school in
 82 positions requiring such a certificate, durational shortage area permit
 83 or charter school educator permit and are not included in the
 84 administrators' unit or excluded from the purview of sections 10-153a
 85 to 10-153n, inclusive, as amended by this act. (3) "Commissioner"
 86 means the Commissioner of Education. (4) "To post a notice" means to
 87 post a copy of the indicated material on each bulletin board for
 88 teachers in every school in the school district or, if there are no such
 89 bulletin boards, to give a copy of such information to each employee in
 90 the unit affected by such notice. (5) "Budget submission date" means
 91 the date on which a school district is to submit its itemized estimate of
 92 the cost of maintenance of public schools for the next following year to
 93 the board of finance in each town having a board of finance, to the
 94 board of selectmen in each town having no board of finance and, in
 95 any city having a board of finance, to said board, and otherwise to the
 96 authority making appropriations therein. (6) "Days" means calendar
 97 days. (7) "Organization" means any organization qualified as a tax-
 98 exempt organization under Section 501(c)(5) of the Internal Revenue
 99 Code of 1986, or any subsequent corresponding internal revenue code
 100 of the United States, as amended from time to time.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2016	10-153a
Sec. 2	October 1, 2016	10-153b(a)

LAB *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

This bill authorizes a local board of education (the board) and an exclusive bargaining representative (a union) to agree to the board paying a union an annual service fee for providing certain services to employees of a bargaining unit.

The bill does not result in a fiscal impact as local boards of education and unions can, under current law, enter into this arrangement.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 5505*****AN ACT CONCERNING LOCAL OR REGIONAL BOARDS OF EDUCATION, EXCLUSIVE BARGAINING REPRESENTATIVES AND MEMBERS OF THE TEACHING PROFESSION.*****SUMMARY:**

This bill authorizes a local board of education and a union to agree to the board paying the union an annual service fee that represents the union's costs for providing bargaining unit employees with the following: (1) contract negotiation concerning pay, hours, and other conditions of employment; (2) contract administration; (3) professional development services; and (4) other services as agreed to by the board and union. The bill states the professional development services include, but are not limited to, the topics included in the teacher in-service training and teacher education and mentoring laws.

These costs make up a substantial part of the union dues that the union members currently pay to the union. The bill specifies the fee will be calculated on a per-employee basis and be paid directly to the union.

The bill also changes such unions' duty of fair representation to all employees in the bargaining unit so that under any contract entered into after October 1, 2016, the union will not be required to represent an employee in the bargaining unit for grievances if the employee is not a union member. Under current law, the union has the duty of fair representation for all members of the bargaining unit, whether or not they are union members. The bargaining unit includes all employees who could be members of a particular union, such as all teachers in a school district.

By law, a union and board of education can agree that any member

of a bargaining unit who chooses not to be a union member can still be required to pay a service fee (i.e., agency fee) for union services. The bill changes one aspect of the agency fee law, by removing grievance services from the services allowed in the cost calculation.

The bill also changes the teacher collective bargaining law so that an employee organization (union) must be a qualified tax-exempt non-profit organization under the Internal Revenue Code.

It also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2016

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 8 Nay 5 (03/10/2016)